

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 09/871,723

Q63839

REMARKS

Upon entry of the Amendment, Claims 2-6, 9-13 and 15-23 are all the claims pending in the application. Claim 7 is canceled. Claims 1, 8 and 14 were previously canceled. Claims 15 and 20-23 were previously withdrawn.

Claim 2 is amended to incorporate the subject matter of Claim 7, now canceled.

Entry of the Amendment is respectfully requested along with reconsideration and review of the claims on the merits.

Allowability of Claims/Final Rejection Withdrawn

The Examiner has withdrawn the previously indicated allowability of Claims 2-7, 9-13 and 15-23 in view of newly discovered references. Additionally, the Examiner applies a new rejection under 35 U.S.C. § 112, second paragraph, of Claims 4-5.

The Examiner states that, in view of newly cited art, the finality of the previous Office Action is withdrawn. The withdrawal of Claims 15 and 20-23 as being drawn to a non-elected invention due to the Restriction Requirement, is reinstated. These claims were previously non-elected without traverse. Should the remaining claims again be found allowable, the Examiner states that he will again consider rejoining the restricted claims, providing they have all the limitations of any allowed claims.

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 09/871,723

Q63839

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 4-5 are rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants amend Claim 4 to more clearly provide antecedent basis for “the hydrophilic monomer (B)” being other than a (meth)acrylic acid ester of a polyhydric alcohol by reciting “further contains” as opposed to “contains”, as the Examiner suggests.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102(b)/§ 103(a)

Claims 2, 4, 6, 9-13, 16 and 18 are rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Strop ‘018 or Strop ‘461 for the reasons given in the Office Action.

Claims 2-3, 6, 9-13, 16 and 18 are rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Hradil et al (U.S. 4,067,825) for the reasons given in the Office Action.

Claims 17 and 19 are rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over (i) Strop ‘018 or Strop ‘461 as applied to Claims 2, 4, 6, 9-13, 16 and 18 above, or (ii) Hradil as applied to Claims 2-3, 6, 9-13, 16 and 18, and each further in view of Lee for the reasons given in the Office Action.

Claim 3 is rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Strop ‘018 or ‘461 as applied to Claims 2, 4, 6, 9-13, 16 and 18 above, and further in view of Hradil for the reasons given in the Office Action.

Claim 3 is rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Strop '018 or '461 as applied to Claims 2, 4, 6, 9-13, 16 and 18 above, and further in view of Hradil for the reasons given in the Office Action.

Applicants respond as follows.

Applicants amend Claim 2 to require that the hydrophilic monomer (B) comprises a (meth)acrylic acid ester of a polyhydric alcohol having a hydroxyl group, wherein the (meth)acrylic acid ester of a polyhydric alcohol having a hydroxyl group is glycerol dimethacrylate, based on support, for example, in original Claim 7, now canceled.

Applicants have found that a packing material for solid phase extraction ensuring excellent recovery of samples including a hydrophobic substance and an ion exchange substance can be obtained by introducing an ion exchange site while not impairing the hydrophobic site within a particle, thereby having both properties.

In Claim 2, the hydrophilic monomer (B) is now required to be glycerol dimethacrylate. The subject matter of Claim 7 was not rejected, and therefore, Applicants submit that Claim 2, and claims depending therefrom, are now in condition for allowance.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/871,723

Q63839

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

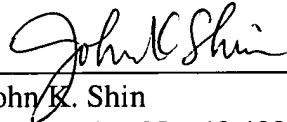
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER



John K. Shin
Registration No. 48,409

Date: November 24, 2003